

CINDY MARCH, CINDY HANSARD, \$
LORI ANN CORICA, PETE JAMES, \$
LORI ANN RAY, CONSTANCE SPELL, \$
CHRISANNA HIBBITTS, KELLIE \$
FIENE, AND JEANINE WILLIAMS, \$

CASE NO. _____

VS.

Defendant

BVDS, Inc. d/b/a Slim4Life Weight Loss a/k/a 4 Life, Inc., Defendant in the above-entitled cause, by its attorneys, submits this Notice of Removal pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, and in support thereof state as follows:

1. Plaintiffs commenced this action on or about April 17, 2017, by filing their Original Collective Action Petition (“Petition”) in the District Court of Dallas County, Texas, styled *Cindy March, Cindy Hansard, Lori Ann Corica, Pete James, Lori Ann Ray, Constance Spell, Chrisanna Hibbits, Kellie Fiene, and Jeanine Williams, Individually and on behalf of all others similarly situated, Plaintiffs v. BVDS, Inc. d/b/a Slim4Life Weight Loss a/k/a 4 Life, Inc.*, Civil Cause No. DC-17-04445.

2. Plaintiffs personally served the Petition on Defendant's registered agent for service of process, Vahna J. Benedict, on May 12, 2017. A copy of the Original Collective Action Petition, including the other process, pleadings, orders, and other papers received by Defendant, is attached hereto as **Exhibit A**.
3. Defendant timely files this Notice of Removal within 30 days of May 12, 2017, as required by the removal statute. See 28 U.S.C. § 1446(b)(2)(B) ("Each defendant shall have 30 days after the receipt by or service on that defendant of the initial pleading or summons . . . to file the notice of removal.").
4. In their Petition, Plaintiffs allege claims for unpaid wages in violation of the Fair Labor Standards Act, 29 U.S.C. §§ 206, 207, 215(a)(2) and 216(b). (See Petition at ¶¶ 46, 48, 49.)

Federal Question Jurisdiction

5. This action is removable pursuant to 28 U.S.C. § 1441(a) because it is within the original jurisdiction of this Court under 28 U.S.C. § 1331 in that it arises under the laws of the United States.
6. Plaintiffs' action involves a federal question in that Plaintiffs assert federal claims under The Fair Labor Standards Act of 1938, 29 U.S.C. §§ 206, 207, and 215(a)(2). (See Petition at ¶¶ 35, 46, 48, 49.)

All Other Requirements For Removal Have Been Met

7. Pursuant to 28 U.S.C. §§ 1441(a) and 1446(a), the United States District Court for the Northern District of Texas is the appropriate court for filing a Notice of Removal from the District Court of Dallas County, Texas, where the original action was filed.

8. Copies of all pleadings, process and orders served upon Defendant in this action are attached as **Exhibit A**.
9. Promptly after filing this Notice of Removal, Defendant will file a Notice of Filing of Notice of Removal, along with a copy of the Notice of Removal, with the District Court of Dallas County, Texas and will serve written notice of the same on counsel for Plaintiffs, all in accordance with 28 U.S.C. § 1446(d).

WHEREFORE, Defendant gives notice that this action is removed from the District Court of Dallas County, Texas to the United States District Court for the Northern District of Texas.

Respectfully submitted,

/s/ GLYNIS L. ZAVARELLI

GLYNIS L. ZAVARELLI

State Bar No. 00788743

Email: gzavarelli@wandzlaw.com

WENTZ & ZAVARELLI, L.L.P.

222 W. Las Colinas Blvd., Suite 1900N

Irving, Texas 75039

Telephone (469) 665-9100

Facsimile (469) 665-9106

AND

/s/ WILLIAM C. MARTUCCI

WILLIAM C. MARTUCCI

(to seek to be admitted *pro hac vice*)

State Bar No.: 28237

Email: wmartucci@shb.com

KATHERINE R. SINATRA

(to seek to be admitted *pro hac vice*)

State Bar No.: 51181

Email: ksinatra@shb.com

SHOOK, HARDY & BACON, L.L.P.

2555 Grand Boulevard

Kansas City, MO 64108

Telephone (816) 474-6550

Facsimile (816) 421-5547

ATTORNEYS FOR DEFENDANT

BVDS, INC. D/B/A SLIM4LIFE WEIGHT LOSS

A/K/A 4 LIFE, INC.

CERTIFICATE OF SERVICE

On **June 1, 2017**, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or *pro se* parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5 (b)(2).

Via Electronic Service

Matthew R. Scott

Javier Perez

Scott, Perez, LLP

Founders Square

900 Jackson Street ,Suite 550

Dallas, Texas 75206

/s/ GLYNIS L. ZAVARELLI

GLYNIS L. ZAVARELLI